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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,129	06/14/2001	Toshio Tonouchi	14706	8111
23389	7590	11/08/2004	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA GARDEN CITY, NY 11530			BHATIA, AJAY M	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/881,129	TONOUCHI, TOSHIO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ajay M Bhatia	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 June 2001.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 6-14-01.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

1. Claims 1-20 are pending.
2. Claims 1-20 are rejected.

*Claim Rejections - 35 USC § 112*

3. Claim 4 makes reference to "a remaining period," it is unclear as to what remaining period it can be interrupted in multiple ways causing confusion, does remaining period referred to time before reservation closes, internet access, before the reservation time starts. For the purpose of this office action it is interpreted as the time period within which the current billing rate is valid.
4. Claim 5 makes reference to "state" it is unclear as to what remaining period it can be interpreted in multiple ways causing confusion. For the purpose of this office action it is interpreted as the state of the system the amount of traffic currently connected to the system.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 8-11 and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Malik (U.S. Patent 6,584,097).

6. For claim 1, Malik teaches, a system of reserving a connecting service to the internet at a time period, comprising: (see Malik, see abstract)

a reservation table in which a state with regard to a reservation for a connecting service to the internet at a time period is stored; and (see Malik, see abstract, Col. 9 lines 4-14 and Col. 6 lines 39-65)

a contract unit inputting a reserving demand to reserve said connecting service to the internet at a certain time period from a user to judge whether said reserving demand is permitted with reference to said reservation table. (see Malik, abstract, figure 4, and Col. 9 lines 4-14)

7. For claim 2, Malik teaches, the system of reserving a connecting service to the internet at a time period according to claim 1, wherein said contract unit permits said reserving demand when the number of users connecting to the internet at a same time as said time period included in said reserving demand is smaller than or equal to a predetermined value. (see Malik, see figure 4)

8. For claim 8, Malik teaches, the system of reserving a connecting service to the internet at a time period according to claim 1, further comprising:

a penalty data storing unit storing a penalty data to determine a penalty if said user cancels said reservation, and (see Malik, see Col. 9 lines 31-42)

wherein said contract unit gives said user a penalty information showing said penalty based on said penalty data. (see Malik, see Col. 9 lines 31-42 and 21-23)

9. For claim 9, Malik teaches, the system of reserving a connecting service to the internet at a time period according to claim 8, wherein said penalty is determined based on a remaining period until a starting time of a time period, included in said permitted reserving demand, at which said user wants said connecting service to the internet, as said penalty data.

10. For claim 10, Malik teaches, a method of reserving a connecting service to the internet at a time period, comprising:

storing a reservation data indicating a state of a reservation for a connecting service to the internet at a time period; (see Malik, see abstract, Col. 9 lines 4-14 and Col. 6 lines 39-65)

inputting a reserving demand to reserve said connecting service to the internet at a certain time period from a user; and (see Malik, see abstract, Col. 3 lines 15-23)

judging whether said reserving demand is permitted based on said reservation data. (see Malik, see abstract, Col. 9 lines 4-13)

11. For claim 11, Malik teaches, the method of reserving a connecting service to the internet at a time period according to claim 10, wherein said reserving demand is permitted when the number of users connecting to the internet at a same time as said time period included in said reserving demand is smaller than or equal to a predetermined value. (see Malik, see abstract, Col. 6 lines 26-65 and Col. 9 lines 4-14)

12. For claim 17, Malik teaches, the method of reserving a connecting service to the internet at a time period according to claim 10, further comprising:

storing a penalty data to determine a penalty if said user cancels said reservation; and (see Malik, see abstract, Col. 9 lines 33-42)

giving said user a penalty information showing said penalty based on said penalty data. (see Malik, see abstract, Col. 9 lines 33-42)

13. For claim 18, Malik teaches, the method of reserving a connecting service to the internet at a time period according to claim 17, wherein said penalty is determined based on a remaining period until a starting time of a time period, included in said permitted reserving demand, at which said user wants said connecting service to the internet, as said penalty data.

(see Malik, see abstract, Col. 9 lines 33-42)

14. For claim 19, Malik teaches, a contract server to reserve a connecting service to the internet at a time period, comprising:

an input unit inputting a reserving demand to reserve a connecting service to the internet at a certain time period from a user; and (see Malik, see abstract, Col. 3 lines 15-23)

a judging unit judging whether said reserving demand is permitted based on a state with regard to a reservation for a connecting service to the internet at a same time period as a time period at which said user wants said connecting service in said reserving demand. (see Malik, see abstract, Col. 3 lines 15-23)

15. For claim 20, Malik teaches, the contract server according to claim 19, wherein said contract server permits said reserving demand when the number of users connecting to the internet at the same time as said time period at which said user wants

said connecting service in said reserving demand is smaller than or equal to a predetermined value. (see Malik, see abstract, Col. 3 lines 15-23 and Col. 4 lines 59-67)

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 3-7, and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Malik (U.S. Patent 6,584,097) and Yeh (U.S. Patent 6,690,929).

17. For claim 3, Malik teaches, a system of reserving a connecting service to the internet at a time period, comprising:

a reservation table in which a state with regard to a reservation for a connecting service to the internet at a time period is stored; and

a contract unit inputting a reserving demand to reserve said connecting service to the internet at a certain time period from a user to judge whether said reserving demand is permitted with reference to said reservation table.

Malik fails to teach, the system of reserving a connecting service to the internet at a time period according to claim 1, further comprising:

a discount data storing unit storing a discount data to determine an accounting fee for said connecting service for a time period, and

wherein said contract unit finds out a discountable time period with respect to said accounting fee of said connecting service with reference to said reservation table and said discount data to give a user a discount frame data showing said discountable time period and said accounting fee of said discountable time period.

Yeh teaches, the system of reserving a connecting service to the internet at a time period according to claim 1, further comprising:

a discount data storing unit storing a discount data to determine an accounting fee for said connecting service for a time period, and (see Yeh, Col. 2 lines 40-46)

wherein said contract unit finds out a discountable time period with respect to said accounting fee of said connecting service with reference to said reservation table and said discount data to give a user a discount frame data showing said discountable time period and said accounting fee of said discountable time period. (see Yeh, Col. 2 lines 33-45)

It would be obvious to one of ordinary skill at the time of the invention to combine the system of Malik and the method of Yeh, because the adaptation of a wireless system to a wire system is commonly known in the art additionally by allowing the charging based on Qos (Quality of service) will also increase the capacity of the internet service that provided by reducing the amount of bandwidth per a user. (see Yeh, Col. 1 lines 33-45)

18. For claim 4, the combination of Malik and Yeh teaches, the system of reserving a connecting service to the internet at a time period according to claim 3, wherein said accounting fee is determined based on a remaining period until a starting time of a time period at which said user wants said connecting service to the internet, as said discount data. (see Yeh, Col. 2 lines 32-37), The same motivation that was utilized in the rejection of claim 3, applies equally as well to claim 4.

19. For claim 5, the combination of Malik and Yeh teaches, the system of reserving a connecting service to the internet at a time period according to claim 3, wherein said accounting fee is determined based on said state with regard to said reservation, as said discount data. (see Yeh, Col. 1 line 64 to Col. 2 line 8) , The same motivation that was utilized in the rejection of claim 3, applies equally as well to claim 5.

20. For claim 6, the combination of Malik and Yeh teaches, the system of reserving a connecting service to the internet at a time period according to claim 3, wherein said accounting fee is determined based on a condition of a day of a time period at which said user wants said connecting service to the internet, of the week, as said discount data. (see Yeh, Col. 1 lines 33-45) , The same motivation that was utilized in the rejection of claim 3, applies equally as well to claim 6.

21. For claim 7, the combination of Malik and Yeh teaches, the system of reserving a connecting service to the internet at a time period according to claim 4, wherein said accounting fee is determined such that a discount rate of said accounting fee is defined as being higher, the shorter the remaining period and the smaller the number of said reservations. (see Yeh, Col. 1 lines 33-44) , The same motivation that was utilized in the rejection of claim 3 and 4, applies equally as well to claim 7.

22. For claim 12, Malik teaches, a method of reserving a connecting service to the internet at a time period, comprising:

storing a reservation data indicating a state of a reservation for a connecting service to the internet at a time period;

inputting a reserving demand to reserve said connecting service to the internet at a certain time period from a user; and

judging whether said reserving demand is permitted based on said reservation data.

Malik fails to teach, the method of reserving a connecting service to the internet at a time period according to claim 10, further comprising:

storing a discount data to determine an accounting fee for said connecting service for a time period;

finding out a discountable time period with respect to said accounting fee of said connecting service based on said reservation data and said discount data; and

giving a user a discount frame data showing said discountable time period and said accounting fee of said discountable time period.

Yeh teaches, the method of reserving a connecting service to the internet at a time period according to claim 10, further comprising:

storing a discount data to determine an accounting fee for said connecting service for a time period; (see Yeh, Col. 2 lines 40-47)

finding out a discountable time period with respect to said accounting fee of said connecting service based on said reservation data and said discount data; and (see Yeh, Col. 2 lines 40-47)

giving a user a discount frame data showing said discountable time period and said accounting fee of said discountable time period. (see Yeh, Col. 1 lines 52-59)

It would be obvious to one of ordinary skill at the time of the invention to combine the system of Malik and the method of Yeh, because the adaptation of a wireless system to a wire system is commonly known in the art additionally by allowing the charging based on Qos (Quality of service) will also increase the capacity of the internet service that provided by reducing the amount of bandwidth per a user. (see Yeh, Col. 1 lines 33-45)

23. For claim 13, the combination of Malik and Yeh teaches, the method of reserving a connecting service to the internet at a time period according to claim 12, wherein said accounting fee is determined based on a remaining period until a starting time of a time period at which said user wants said connecting service to the internet, as said discount data. (see Yeh, Col. 1 lines 33-45 and Col.2 lines 40-47), The same motivation that was utilized in the rejection of claim 12, applies equally as well to claim 13.

24. For claim 14, the combination of Malik and Yeh teaches, the method of reserving a connecting service to the internet at a time period according to claim 12, wherein said

accounting fee is determined based on said state of said reservation, as said discount data. (see Yeh, Col. 1 line 54 to Col. 2 line 8) , The same motivation that was utilized in the rejection of claim 12, applies equally as well to claim 14.

25. For claim 15, the combination of Malik and Yeh teaches, the method of reserving a connecting service to the internet at a time period according to claim 12, wherein said accounting fee is determined based on a condition of a day of a time period at which said user wants said connecting service to the internet, of the week, as said discount data. (see Yeh, Col. 1 lines 33-45) , The same motivation that was utilized in the rejection of claim 12, applies equally as well to claim 15.

26. For claim 16, the combination of Malik and Yeh teaches, the method of reserving a connecting service to the internet at a time period according to claim 13, wherein said accounting fee is determined such that a discount rate of said accounting fee is defined as being higher, the shorter the remaining period and the smaller the number of said reservations. (see Yeh, Col. 2 lines 40-47) , The same motivation that was utilized in the rejection of claim 12, applies equally as well to claim 16.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB

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